

**Andrews, Bernstein, Maranto & Nicotra, PLLC**

Attorneys and Counselors at Law  
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FACSIMILE AND E-MAIL SERVICE NOT ACCEPTED

Benjamin J. Andrews  
Robert J. Maranto, Jr.  
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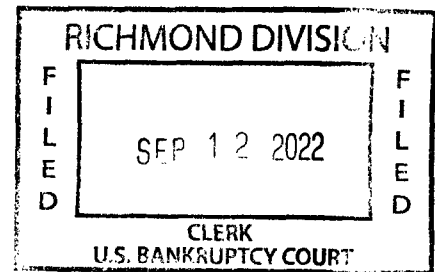
Of Counsel  
Alan L. Bernstein

Norton T. Lowe  
Thomas P. Kotrys  
Amanda N. Blum  
Anthony V. Iacono

September 9, 2022

**VIA CERTIFIED MAIL**

U.S. Bankruptcy Court  
Eastern District of Virginia  
701 E. Broad Street  
Richmond, VA 23219



***Re: DiLauro v. Ascena Retail Group, et al.***

Dear Sir/Madam:

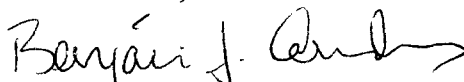
On September 13, 2021, our law firm filed Michelle DiLauro's Proof of Claim in Ascena Retail Group, Inc.'s Chapter 11 Bankruptcy. See copy of Proof of Claim and Prime Clerk's acknowledgement of filing, attached hereto as Exhibit "A". Although our Proof of Claim was filed after the deadline, the debtor never provided us with formal notice of the bar date for filing the Proof of Claim.

Since this office was never given proper notice, we kindly request this Court accept our Proof of Claim in this matter.

Thank you for your attention to this matter.

Very truly yours,

**ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC**

  
Benjamin J. Andrews, Esq.

*cc: Robert Scott, Esq. (w/ enclosure)*

**Prime Clerk**

Grand Central Station PO Box 4850  
New York, NY 10163-4850



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02 211  
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In re Ascena Retail Group, Inc.  
Case No. 20-33113

United States Bankruptcy Court for the Eastern District of Virginia (Richmond)

SEP 28 2021

**PRIME CLERK RECEIVED YOUR  
PROOF OF CLAIM.**

Date Filed: 9/13/2021  
Proof of Claim No.: 6474

For additional information, please visit  
<http://cases.primeclerk.com/ascena>, or call us  
at 20-33113.

Michelle DiLauro  
Andrews, Bernstein, Maranto & Nicotra,  
PLLC  
420 Franklin Street  
Buffalo, NY 14202

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Filed 09/12/22 Entered 09/19/22 08:48:23 Desc Main Document Page 4 of 7

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NO E-MAIL SERVICE NOT ACCEPTED

Of Counsel  
Alan L. Bernstein

Norton T. Lowe  
Thomas P. Kotrys  
Amanda N. Blum

September 7, 2021

**VIA CERTIFIED MAIL**

U.S. Bankruptcy Court  
Eastern District of Virginia  
701 E. Broad Street  
Richmond, VA 23219

**Re: DiLauro v. Ascena Retail Group, et al.**

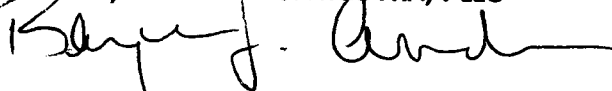
Dear Sir/Madam:

Enclosed please find Michelle DiLauro's Proof of Claim in Ascena Retail Group, Inc.'s Chapter 11 Bankruptcy. Claimant's personal injury case is based on injuries she suffered on July 2, 2017 when she tripped on a raised tile at the Lane Bryant store, 1 Galleria Drive, #109-110, Cheektowaga, New York 14225.

Thank you.

Very truly yours,

**ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC**



Benjamin J. Andrews, Esq.

BJA: ro

Enc.

cc: Robert Scott, Esq. (via e-mail only)

Niagara Falls Office: 711 Pine Avenue, Niagara Falls, New York – (716) 282-1000  
Amherst Office: 3950 East Robinson Road, Suite 108, Amherst, New York 14228

**Fill in this information to identify the case:**

Debtor 1 Ascena Retail Group, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Virginia

Case number 20-33113

**Official Form 410**

**Proof of Claim**

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. Who is the current creditor?	<u>Michelle DiLauro</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small>  <small>Other names the creditor used with the debtor</small> _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	<b>Where should notices to the creditor be sent?</b>  <u>Andrews, Bernstein, Maranto &amp; Nicotra, PLLC</u> <small>Name</small> <u>420 Franklin Street</u> <small>Number Street</small> <u>Buffalo</u> <u>NY</u> <u>14202</u> <small>City State ZIP Code</small>  <small>Contact phone</small> <u>716-842-2200</u> <small>Contact email</small> <u>bandrews@wnyinjurylawyers.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>  <u>Andrews, Bernstein, Maranto &amp; Nicotra, PLLC</u> <small>Name</small> <u>420 Franklin Street</u> <small>Number Street</small> <u>Buffalo</u> <u>NY</u> <u>14202</u> <small>City State ZIP Code</small>  <small>Contact phone</small> <u>716-842-2200</u> <small>Contact email</small> <u>bandrews@wnyinjurylawyers.com</u>
<small>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</small> _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____	
		Filed on _____ <small>MM / DD / YYYY</small>
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 100,000.00 - 175,000.00 Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
personal injury

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

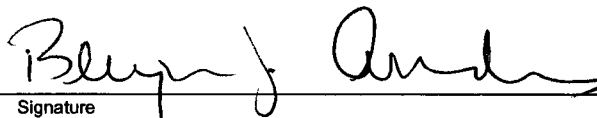
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/07/2021  
MM / DD / YYYY

  
Signature

Print the name of the person who is completing and signing this claim:

Name Benjamin J. Andrews, Esq.  
First name Middle name Last name

Title Andrews, Bernstein, Maranto & Nicotra, PLLC

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 420 Franklin Street  
Number Street  
Buffalo NY 14202  
City State ZIP Code

Contact phone 716-842-2200 Email bandrews@wnyinjurylawyers.com